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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

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| ROGER STEVEN MCCARTY, | § | |
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| Petitioner, | § | |
| VS. | § | CIVIL ACTION NO. L-07-60 |
| | § | |
| NATHANIEL QUARTERMAN, | § | |
| | § | |
| Respondent. | § | |

MEMORANDUM AND ORDER

Pending is Respondent Nathaniel Quarterman's Motion for Summary Judgment (Docket No. 26) and Petitioner Roger Steven McCarty's Motion for an Evidentiary Hearing (Docket No. 14). McCarty filed a response to the summary judgment motion. (Docket No. 35.) On August 18, 2008, Magistrate Judge Diana Saldaña issued a Report and Recommendation recommending that Quarterman's motion be granted and McCarty's motion be denied. (Docket No. 39.) On August 25, 2008, McCarty requested more time to file objections, and Judge Saldaña granted an extension to September 8, 2008. (Docket No. 44.) Her Order stated that no further extensions would be permitted. McCarty has not filed any objections to the Report as of this day.

The Court has reviewed Judge Saldaña's Report and concludes that her recommendation is supported by the facts in the case and is well-reasoned and correct.

Quarterman's motion for summary judgment (Docket No. 26) is GRANTED. McCarty's motion for evidentiary hearing (Docket No. 14) is DENIED. This case shall be DISMISSED in its entirety.

DONE at Laredo, Texas, this 19th day of September, 2008.


United States District Judge